

REMARKS

1. Status of the claims and of the specification

Claims 1-14 have been withdrawn.

Claims 15-18 and 24-29 have been cancelled.

Claim 30 has been amended to be rewritten in independent form including all of the limitations of the base claim (24) and any intervening claim (29). Further, claim 30 has been amended such that the expression “a pharmaceutically acceptable salt” is now replaced by “an alkali metal salt or salt mixture”. Support for this amendment can be found in original claim 5, as well as at page 9, lines 18-21 of the application as filed.

The specification has not been amended.

2. Claim rejection under 35 U.S.C. §112

Claims 24-26 are rejected under 35 U.S.C. §112 as being indefinite with respect to the expression “a pharmaceutically acceptable salt”.

Applicant submits that this expression has been replaced in amended claim 30 by the expression “an alkali metal salt or salt mixture”, thereby rendering the rejection moot.

Withdrawal of the corresponding rejection is thus respectfully requested.

3. Claim rejections under 35 U.S.C. §103(a)

Claims 15-18 and 24-29 have been rejected as being obvious under 35 U.S.C §103(a) over WO 92/04367, in view of EP 0 570 916 and Winge (US 6,399,357 B1).

Applicant submits that claims 15-18 and 24-29 have been cancelled, thereby rendering the rejection moot.

Withdrawal of the corresponding rejection is thus respectfully requested.

4. Claim objections

The Examiner considers that claim 30 is objected to as being dependent upon a rejected claim, but would be allowable if rewritten in independent form.

Claim 30 has been rewritten in independent form and now includes all of the limitations of the base claim (cancelled claim 24) and of the intervening claim (cancelled claim 29).

Withdrawal of the corresponding objection is thus respectfully requested.

5. Conclusion

In view of the above amendments, applicant believes the present application is in condition for allowance, since the Examiner has acknowledged the allowability of pending claims 30 and 31.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson Reg. No. 30,330 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/589,825
Amendment dated March 17, 2010
After Final Office Action of November 17, 2009

Docket No.: 0040-0165PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: March 17, 2010

Respectfully submitted,

By 

Leonard R. Svensson

Registration No.: 30,330

BIRCH, STEWART, KOLASCH & BIRCH, LLP

12770 High Bluff Drive

Suite 260

San Diego, California 92130

(858) 792-8855

Attorney for Applicant